

ELIZABETH M. TUMY.

FEBRUARY 3, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BROMWELL, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 1742.]

The Committee on Pensions, to whom was referred the bill (H. R. 1742) granting a pension to Elizabeth M. Tummy, have considered the same, and report:

The claimant was formerly the wife of Solomon P. Tummy, deceased, whose service in the war with Mexico is reported from the records as follows:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, January 2, 1896.

SIR: Referring to your letter of the 30th ultimo, received to-day, in which you request information concerning the military record of Solomon P. Tummy, late of Company K, Third Indiana Mexican War Volunteers, I have the honor to inform you that the records of this office show that Solomon P. Tummy was enrolled June 11, 1846, at New Albany, and was mustered into service as corporal in Company K, Third Indiana Volunteers, Mexican war, June 18, 1846, at the same place, and that he was mustered out with his company as a sergeant, June 27, 1847, at New Orleans, La.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. J. H. BROMWELL,
House of Representatives.

The claimant married the soldier at Cincinnati, Ohio, April 8, 1850, and continued to live with him (bearing him three children) until October 12, 1859, when, without fault on her part, he abandoned her and eloped with another woman, with whom he began a life of adultery. In consequence of this, the claimant brought suit for divorce in the courts of Dearborn County, Ind., and the same was granted to her, together with the custody of the children, and with judgment for costs and alimony.

Mrs. Tummy never remarried, and there is no evidence that the soldier ever entered into lawful marriage relation with anyone else. He died December 30, 1877, having been drowned at that time in Lake Michigan, at Chicago, Ill.

The claimant made application at the Pension Bureau for the Mexican war pension provided by the act of January 29, 1887, but the same was rejected, on the ground of her divorce from the soldier.

No other claim based upon Tummy's service has ever been filed.

The papers accompanying the bill show that the claimant is about

74 years old and in a dependent condition. If it were not for the soldier's own wrongdoing this woman, to whom he was lawfully married, and who bore and raised his children, would, without question, have been entitled to a pension under the general laws, and your committee, after full consideration of all the facts, are of the opinion that justice and equity demand that the relief prayed for by special enactment should not be withheld from her.

A precedent for the proposed legislation will be found in a bill which passed both Houses of Congress at this term.

The passage of the bill is respectfully recommended with an amendment, adding after the last word the words "and pay her a pension rated at eight dollars per month."